

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR: (1) A GENERAL ADJUSTMENT)	
OF ITS RATES FOR ELECTRIC SERVICE; (2) AN)	CASE NO.
ORDER APPROVING ITS 2014 ENVIRONMENTAL)	2014-00396
COMPLIANCE PLAN; (3) AN ORDER APPROVING)	
ITS TARIFFS AND RIDERS; AND (4) AN ORDER)	
GRANTING ALL OTHER REQUIRED APPROVALS)	
AND RELIEF)	

ORDER

On March 9, 2015, Kentucky Power Company (“Kentucky Power”), filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to Kentucky Power’s responses to certain data requests propounded by Commission Staff (“Staff Requests”), Kentucky Industrial Utility Customers (“KIUC Requests”), and the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“AG Requests”), respectively.

The designated information and time period for which confidential treatment is requested and the basis for the petition are as follows:

1. Staff Request 3-10. Kentucky Power requests confidential treatment for its response to Staff Request 3-10 for a period of ten years. The designated information is more particularly described as the results of a cybersecurity audit concerning compliance with North American Electric Reliability Corporation (“NERC”) Critical Information Protection standards. In support of its petition, Kentucky Power states that disclosure of the designated information would have a reasonable likelihood of

threatening public safety by exposing a security vulnerability to the nation's electric grid, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(m)(1).

2. Staff Request 3-37. Kentucky Power requests confidential treatment for its response to Staff Request 3-37 for a period of ten years. The designated information is more particularly described as commercial and industrial customer-specific billing information that revises and supplements billing information that Kentucky Power previously provided in response to Staff Request 2-98 and which is the subject of a pending petition for confidential treatment. In support of its petition, Kentucky Power states that that disclosure of the designated information could place its commercial and industrial customers at a competitive disadvantage, which would result in such customers being less likely to locate in Kentucky Power's service territory and, as a consequence, result in harm to Kentucky Power. Thus, the designated information is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

3. Staff Request 3-39(b) and (c). Kentucky Power requests confidential treatment for its responses to Staff Requests 3-39(b) and (c) for a period of time through September 30, 2017. The designated information is more particularly described as projected costs and scheduled dates for planned outages at Kentucky Power's Mitchell plant. In support of its petition, Kentucky Power states that disclosure of the designated information would harm Kentucky Power's ability to competitively bid into the power market, which could result in an increase in the cost of power and, as a consequence, result in harm to Kentucky Power and its customers. Kentucky Power further states that if the designated information were to be publicly disclosed, it would permit an unfair

commercial advantage to Kentucky Power's competitors, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

4. KIUC Request 2-20. Kentucky Power requests confidential treatment for its response to KIUC Request 2-20 for a period of time through 2016. The designated information is more particularly described as projected generation for 2015 and 2016 from Kentucky Power's generation units that expands upon information Kentucky Power previously provided in response to KIUC Request 1-67, and which is the subject of a pending petition for confidential treatment. In support of its petition, Kentucky Power states that the designated information could enable its competitors to determine Kentucky Power's likely market strategies. Kentucky Power further states that if the designated information were to be publicly disclosed, it would permit an unfair commercial advantage to Kentucky Power's competitors, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

5. AG Request 2-3(b). Kentucky Power requests confidential treatment for its response to AG Request 2-3(b) for a period of time through December 31, 2018. The designated information is more particularly described as a transaction being contemplated by Kentucky Power and an unaffiliated third party. In support of its petition, Kentucky Power states that public disclosure of the designated information would disrupt negotiations and potentially prevent consummation of the transaction. Kentucky Power further states that the designated information is generally recognized

as confidential, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petitions and the materials at issue, the Commission finds that:

1. The materials contained in Kentucky Power's responses to Staff Requests 3-10, 3-37, and 3-39(b) and (c); KIUC Request 2-20; and AG Request 2-3(b) are records that meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 61.878(1)(m)(1), and 807 KAR 5:001, Section 13.

2. The materials contained in Kentucky Power's responses to Staff Requests 3-10, 3-37, and 3-39(b) and (c); KIUC Request 2-20; and AG Request 2-3(b) should not be placed in the public record or made available for public inspection for a period of time set forth in the Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection for Staff Requests 3-10, 3-37, and 3-39(b) and (c); KIUC Request 2-20; and AG Request 2-3(b) is hereby granted.

2. The materials set forth in Staff Requests 3-10, 3-37, and 3-39(b) and (c); KIUC Request 2-20; and AG Request 2-3(b) shall neither be placed in the public record nor made available for public inspection for a period of time set forth in the Appendix to this Order, or until further Orders of this Commission.

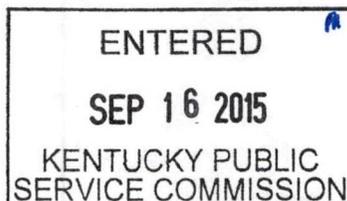
3. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Kentucky Power shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

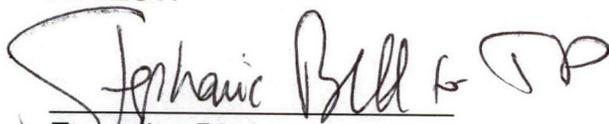
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to see a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2014-00396 DATED **SEP 16 2015**

ITEM	TIME PERIOD FOR CONFIDENTIAL TREATMENT
Staff Request 3-10	Ten years
Staff Request 3-37	Ten years
Staff Request 3-39(b) and (c)	Through September 30, 2017
KIUC Request 2-20	Through 2016
AG Request 2-3(b)	Through December 31, 2018

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